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Applicant's Docket No. 50824-5C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gallagher et al.

Serial No.: 10/782,657

Group Art Unit.: 1756

Filed: February 19, 2004

Examiner: Caleen O. Sullivan

For: ELECTRONIC DEVICE MANUFACTURE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is
[] a small entity. A statement:
[] is attached.
[] was already filed.
[X] other than a small entity.

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period."

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

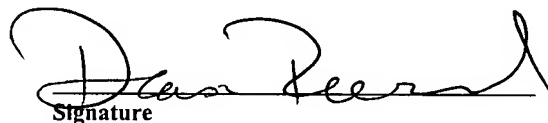
I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

FACSIMILE

- ☐ transmitted by facsimile to the Patent and Trademark Office.


Signature

Date: 6/26/2007

Deanna M. Rivenider
(type or print name of person certifying)

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. 1.645 for extensions of time in interference proceedings, and 37 C.F.R. 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

(a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136
(fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

	<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/>	one month	\$ 120.00	\$ 60.00
<input type="checkbox"/>	two months	\$ 450.00	\$225.00
<input type="checkbox"/>	three months	\$1,020.00	\$510.00
<input type="checkbox"/>	four months	\$1,590.00	\$795.00

Fee: \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for _____ months has already been secured. The fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

(b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(Col. 1) (Col. 2) (Col. 3) SMALL ENTITY					OTHER THAN A SMALL ENTITY			
Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee	OR	Rate	Addit. Fee
Total	* Minus	**	=	x \$25 = \$			x \$50 =	\$ 0
Indep.	* Minus	***	=	x \$100 = \$			x \$200 =	\$ 0
[] First Presentation of Multiple Dependent Claim				+ \$180 = \$			+ \$360 =	\$ 0
					Total Addit. Fee	OR	Total Addit. Fee	\$

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,

** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (§ 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

- (c) [X] No additional fee for claims is required.

OR

- (d) [] Total additional fee for claims required \$ _____.

FEE PAYMENT

5. [] Attached is a check in the sum of \$ _____.
- [] Charge Account No. _____ the sum of \$ _____.
- A duplicate of this transmittal is attached.

FEE DEFICIENCY

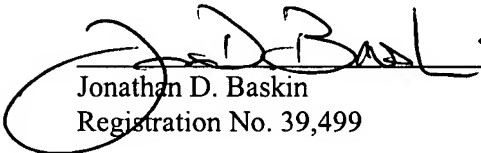
NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. ☒ If any additional extension and/or fee is required, charge Account No. 18-1850

AND/OR

☒ If any additional fee for claims is required, charge Account No. 18-1850

Respectfully submitted,


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Gallagher et al.

: Attorney Docket No.: DN 50824-5C

Serial No.: 10/782,657

: Confirmation No.: 5492

Filed: February 19, 2004

: Group Art Unit: 1756

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: Examiner: Caleen O. Sullivan

Commissioner for Patents
P.O Box 1450
Alexandria, Virginia 22313-1450

STATEMENT UNDER 35 U.S.C. §103(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The present application and U.S. Patent No. 6,420,441 (Allen) were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same entity. Accordingly, Allen does not qualify as prior art under 35 U.S.C. §102(e) to the present application for purposes of a §103(a) rejection.

If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at the below-listed number.

Respectfully submitted,

Jonathan D. Baskin

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Date: June 26, 2007